



STATE OF TENNESSEE
DEPARTMENT OF CHILDREN'S SERVICES
EDUCATION DIVISION
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Tennessee Department of Children's Service—Education Division

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Billed Entity Name: Tennessee Department of Children svc.

Service Provider: AT&T----SPIN ID 143004824

Relevant Form: Form 471: Form Identifier SRC Y10, Application Number 638566

Funding Year: 2008-2009

Billed Entity Number: 16025497

Request for Waiver/Request for Review

Marlene H. Dortch, Secretary

Federal Communications Commission

Office of the Secretary

445 12th Street, SW

Washington, DC 20554

CC Docket No. 02-6; CC Docket No. 96-45

Dear FCC:

This correspondence is a "Request for Waiver." It follows our appeal to USAC concerning our Form 471 which was postmarked outside of the application window. Specifically, we appealed the requirement to hold our application "pending final review of those applications that were filed within the filing window..." and until [USAC] "determine[s] if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year." The letter of appeal was filed with USAC by the Department of Children's Services (DCS) Education Division on June 6, 2008. USAC responded on June 12, 2008, indicating that FCC rules do not permit them to consider requests for

waivers. Both the appeal letter and the response from USAC are attached to this correspondence. We now respectfully request a waiver of the deadline from the FCC due to the circumstances that are detailed below.

The Department of Children's Services school system is a state operated agency in Tennessee that is comprised largely of students who have been adjudicated delinquent. Our central office staff is small and oversees 12 schools (including 7 one-room schools) that are located across the entire state. Staff is also responsible for providing education advocacy services for more than 7500 students in state care who attend public and non-public schools. Both logistically and financially, we are much different than the typical local education agency.

We are aware that other entities have been granted waivers due to staff members inadvertently not filing the application (and other) forms in a timely manner for "reasons beyond their control." (See the attached decisions: In FCC 06-54 (Bishop Perry Middle School) see specifically Section III, #13; in DA 08-1418 (State of Arkansas) see specifically Section III, #8; and in DA 06-1871 (state of Alaska) see specifically Section III, #7 (Re: state of Alaska). The situation that the Children's Services Education Division encountered during the most recent filing period parallels those in the aforementioned cases. The Technology Coordinator for our school system left our employ in July of 2007. Due to budgetary constraints, it was more than eight (8) months before the Technology Coordinator position was filled (February 15, 2008). While our existing staff had attempted to handle situations related to E-rate as they arose, it was not knowledgeable about the program as a whole. This resulted in the Form 471 not being filed in a timely manner. As quickly as the oversight was discovered, the application was filed. We do apologize for the inconvenience that this has caused.

As previously mentioned, the students in the Department of Children's Services school system are largely those that have been adjudicated delinquent. They are all eligible for free and reduced lunch. Most often, they are at least two years behind in their course work. Having the E-rate funding to provide Internet services within these schools has opened an entire new avenue to provide educational services to these students. We have been able to access current research, teach technology skills, and utilize new methods of delivering curriculum. The significant discount in pricing due to the E-rate grant has been so important to our education division in these days when state budgets are strained. It is safe to say that without E-rate funding, we would not be able to provide Internet access to our students. We certainly do not want to see our students lose this valuable resource due to staff not filing Form 471 in a timely manner.

Thank you for considering this waiver request. We hope that you will allow our application to be processed such that funds may be assured for the upcoming year. Should you have any questions, please do not hesitate to contact Mary Meador

(Director of Education) or Patrick Lewis (Technology Coordinator) at (615) 741-9211.

Sincerely,

Mary Meador

Mary Meador, Director of Education
Tennessee Department of Children's Services, Education Division

cc: Wanda Williams, Account Manager, AT&T